

Norton Introduces Bill to End Congressional Review of D.C. Laws - 2/14/2007

Norton Introduces Bill to End Congressional Review of All Civil and Criminal D.C. Laws

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Washington, DC—Congresswoman Eleanor Holmes Norton (D-DC) today introduced the District of Columbia Legislative Autonomy Act of 2007 to end discriminatory and unnecessary congressional review of D.C. laws, that “has long been obsolete, demeaning, and cumbersome,” and is no longer used by Congress. Norton has repeatedly introduced the legislative autonomy bill to eliminate the congressional review period of 30 days for civil laws and 60 days for criminal laws. However, she believes that with Democratic control, passage is possible this year, particularly because Congress has preferred to use attachments to appropriations in seeking to overturn laws passed by the City Council and signed by the Mayor instead of using resolutions of disapproval that would be eliminated by today’s bill.

“The District strongly opposes all methods of overturning its legitimate local legislation, but it is particularly unfair to require the City Council to engage in the tortuous process prescribed by the Home Rule Act that Congress itself has discarded,” Norton said in her statement of introduction. “My bill would eliminate the formal review system that has died of old age and disuse. Congress has walked away from layover review and should allow the city to do the same.”

Norton says that the lengthy congressional review period is particularly unfair and costly to the District because the congressional layover period involves only legislative days, when Congress is in session, not ordinary calendar days. As a result, D.C. statutes typically do not become law for months, creating hardships and burdens for city operations and individuals alike. The required hold on all D.C. bills forces the Council to pass most legislation several times as emergency and temporary bills to ensure that city operations or effects on residents and businesses continue uninterrupted. Norton said that legislative autonomy would give the District the right to enact local laws free from federal interference, a basic tenet of self government. At the same time, Congress would give up none of its power because Congress can always intervene into District matters under constitutional provisions until the District achieves statehood.

Last month, Norton introduced a budget autonomy bill to allow the city to enact its own local budget without annual congressional oversight. Both bills are part of Norton’s “Free and Equal D.C. Series” to give the city control over its core functions without congressional intrusion, and to transfer provisions in the Home Rule Act to the District.

The full text of Norton's statement of introduction follows.

Today, I am introducing the District of Columbia Legislative Autonomy Act of 2007, to end discriminatory and unnecessary congressional review of District of Columbia legislation. Basic to the meaning of self government in the United States is the right to enact a local budget and civil and criminal laws free from federal interference. I have already introduced this bill’s fraternal twin, the District of Columbia Budget Autonomy Act of 2007, cosponsored by Oversight and Government Reform Ranking Member Tom Davis.

Because the period of congressional review involves only legislative days, when Congress is in session, not ordinary calendar days, D.C. laws typically do not become law for months, not days. A required hold on all D.C. bills forces the D.C. City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the operations of the large and rapidly changing city continue uninterrupted, and because of the complications and time frames involved, some bills do not become law at all. The Legislative Autonomy Act would eliminate the need for the City Council to engage in this Byzantine process that often requires a two-thirds super majority even for ordinary legislation.

The legislative autonomy bill would eliminate the congressional review period for civil and criminal District acts of 30 days and 60 days respectively. I have repeatedly introduced today's legislative autonomy bill because it has long been obsolete, demeaning, and cumbersome, but also because Congress no longer uses the statute. Congress has eliminated the review or layover period as a way to review Council legislation, yet the Council continues to be bound by Section 602 of the Home Rule Act, absurdly continuing to abide by its awkward and debilitating rules because the law requires it. Our bill would do no more than align D.C. City Council practices.

Although control of the Congress changed in 1994 for the first time in 40 years, no resolution of disapproval has been heard in committee or used on the floor of either house. Instead of the cumbersome formal filing of bills that requires processing in the House and the Senate, the Congress has preferred to use appropriations or attachments. The District strongly opposes all methods of overturning its legitimate local legislation, but it is particularly unfair to require the City Council to engage in the tortuous process prescribed by the Home Rule Act that Congress itself has discarded. My bill would eliminate the formal review system that has died of old age and disuse. Congress has walked away from layover review and should allow the city to do the same.

Today's bill, of course, does not prevent review of District laws by Congress. Under Article I, Section 8 of the Constitution, the House and the Senate could scrutinize every piece of legislation passed by the City Council, if desired, and could change or strike legislation under the plenary constitutional authority over the District. However since the Home Rule Act became effective in 1974, of more than 2000 legislative acts that have been passed by the Council and signed into law by the Mayor, only three resolutions to disapproval of a D.C. bill have been enacted, and two of these involved a distinct federal interest. Federal law to correct for a federal interest, of course, would be appropriate for any jurisdiction, but placing a hold on 2000 bills has not only proved unnecessary, but has meant untold costs in money, staff and wasted time to the District and the Congress. Although 32 years of Home Rule Act history shows that congressional review is unnecessary, this bill merely eliminates the automatic hold placed on local legislation and the need for the City Council to use a phantom process passed for the convenience of Congress that Congress has eliminated in call but law.

Congress continually urges the District government to pursue efficiency and savings. It is time for Congress to do its part to promote greater efficiency both here and in the District by streamlining its own redundant and discarded review processes. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue, but would benefit the city's bond rating, which is effected by the shadow of congressional review that delays the certainty of finality to District legislation. At the same time, Congress would give up none of its plenary power because the Congress may intervene into any District matter at any time under the Constitutional provisions.

The limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 32 years since the Home Rule Act became effective. This goal can be achieved not only without prejudice to congressional authority. I urge my colleagues to pass this important measure.